

Message Text

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C O N F I D E N T I A L STATE 240665

LIMDIS - FOR BILL BADER FROM BOB BECKEL

FOL RPT PANAMA 7043 ACTION SECSTATE 29 SEP 77 QUOTE

C O N F I D E N T I A L PANAMA 7043

LIMDIS

E.O. 11652: GDS
TAGS: PBOR, PN
SUBJECT: NEGOTIATOR'S CONCERN OVER HEARINGS

1. THE POLITICAL COUNSELOR CALLED CARLOS LOPEZ GUEVARA ON
ANOTHER MATTER THIS MORNING AND FOUND HIM DISTURBED OVER SOME
OF THE TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE
-- PARTICULARLY THE FIRST DAY. TWO MATTERS SEEMED TO TROUBLE
HIM MOST:

A. INTERPRETATION OF THE EXPEDITIOUS-PASSAGE CLAUSE THAT
U.S. WAR VESSELS GET "PREFERENTIAL" TREATMENT OR THAT THEY
MAY "GO TO THE HEAD OF THE LINE". LOPEZ GUEVARA SAID THAT
ROYO AND ESCOBAR TENTATIVELY ACCEPTED PREFERENTIAL TREATMENT
FOR US AND PANAMANIAN WAR VESSELS, BUT IN A LATER SESSION
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THIS WAS SPECIFICALLY REJECTED BY PANAMA AND THE WORD
"EXPEDITIOUSLY" WAS SUBSTITUTED.

B. ASSERTIONS THAT THE TREATY GIVES THE US ANY RIGHT
TO "INTERVENE" IN PANAMA. HE SAID THAT ARTICLE IV MEANS
NOTHING MORE THAN WHAT IT SAYS. "INTERVENTION IS
SIMPLY FORBIDDEN BY INTERNATIONAL LAW," HE SAID.

"PANAMA CANNOT AGREE TO THE RIGHT OF THE US TO INTER-
VENE." HE URGED THAT US OFFICIALS STOP USING THE
TERM "INTERVENTION" IN DESCRIBING ITS RIGHTS UNDER THE
TREATY. HE ALSO EXPRESSED THE VIEW THAT THOSE
TESTIFYING BEFORE THE COMMITTEE ON MONDAY HAD MADE
TOO MUCH OF GENERAL TORRIJOS' STATEMENT THAT PANAMA
WAS UNDER THE UMBRELLA OF THE PENTAGON. "THE GENERAL
WAS STATING A FACT, NOT GIVING THE US ANY RIGHT TO
INTERVENE." HE SAID HE HAD NO WAY OF KNOWING
WHAT TORRIJOS THOUGHT OF THE TESTIMONY, BUT HE, LOPEZ, PER-
SONALLY WAS DISTURBED WITH MANY OF OUR INTERPRETATIONS.
HE PROMISED TO "SET THE RECORD STRAIGHT" IN A SPEECH
HE IS TO MAKE TONIGHT.

2. THE POLITICAL COUNSELOR POINTED OUT SOME STATEMENTS
WHICH PANAMANIAN NEGOTIATORS HAD MADE WHICH DO NOT
ACCORD WITH OUR UNDERSTANDING OF THE NEUTRALITY AGREE-
MENT. HE SAID THAT, ON BALANCE, THE POSITIONS ON
NEUTRALITY GIVEN BY ESCOBAR AND ROYO, WHILE NOT
IDENTICAL WITH OUR INTERPRETATION, WERE MODERATE IN
THE PANAMANIAN CONTEXT. HOWEVER, CERTAIN STATEMENTS
TAKEN BY THEMSELVES AND OUT OF THE OVERALL CONTEXT, HAVE
PROVED DIFFICULT TO EXPLAIN TO SKEPTICAL SENATORS.
HE POINTED OUT THAT MOST OF THE DIFFICULTIES IN THE SENATE
SO FAR HAVE COME FROM UNCOMMITTED SENATORS SUCH AS BAKER AND
STONE, RATHER THAN HARDLINE TREATY OPPONENTS. HE
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SUGGESTED THAT IT MIGHT BE USEFUL IF THE PANAMANIAN
WOULD ESTABLISH A STANDARD POSITION, RATHER THAN SPEAK
EXTEMPORANEOUSLY ON THIS DELICATE QUESTION.

3. LOPEZ GUEVARA SAID HE UNDERSTOOD THE DIFFICULTIES
WHICH US NEGOTIATORS FACE AND ASKED FOR COPIES OF SOME
OF THE OFFENDING REMARKS. HOWEVER, HE CAUTIONED THAT,
NO MATTER HOW NECESSARY IN THE AMERICAN PROCESS,
THERE WERE SOME THINGS THAT NO PANAMANIAN GOVERNMENT
COULD ACCEPT.

4. COMMENT: AS THE NEGOTIATORS ARE AWARE, LOPEZ
GUEVARA, THOUGH A MODERATE AND REASONABLE MAN, IS
RELATIVELY INFLEXIBLE ON SOME QUESTIONS. AS HE POINTED
OUT, HE WAS AT THE HEAD OF THOSE WHO DID NOT ACCEPT
THE CONCEPT OF PRIORITY PASSAGE FOR US WAR VESSELS.
HE IS CONSIDERED A TECHNICIAN WITHIN THE GOVERNMENT,
BUT HE IS INFLUENTIAL. AS WE TALK WITH OTHER NEGOTIA-
TORS AND OFFICIALS WHO ARE CAMPAIGNING FOR THE TREATY
HERE, WE WILL URGE CAUTION ON ANY STATEMENT CONCERNING
US RIGHTS UNDER THE NEUTRALITY TREATY. BUT WE ARE
LIKELY TO BE FACED WITH INCREASING IRRITATION OVER--

AND PERHAPS PUBLIC DISAVOWALS OF--OUR INTERPRETATIONS.
ANY ASSERTION WHICH SEEMS TO CLAIM A RIGHT TO INTERVENE
IN PANAMA'S DOMESTIC AFFAIRS IS ALMOST SURE TO BE
CHALLENGED HERE.
GONZALEZ

UNQUOTE CHRISTOPHER

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